



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,314	10/19/2001	Jason T. Griffin	555255012227	7213

7590 10/06/2003

David B. Cochran, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 10/06/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,314

Applicant(s)

GRIFFIN ET AL.

Examiner

RICARDO L OSORIO

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-8 are objected to because of the following informalities:

In claim 2, lines 2 and 3, "a", and "b", should be instead --c-- and --d--. Letters a and b were already used in claim 1 for listing elements. Claim 2 is listing further elements. Appropriate correction is required.

In claim 6, a grammatical error is found in line 12, after input; the word --and-- should be added since the next listed element is the last.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by McLoone et al (US 2002/0158844).

Regarding claim 1, McLoone teaches of a thumbwheel input device (Fig. 3, reference character 10. This device can be accessed with the thumb) characterized by:
a wheel (Figs 3, reference character 40) having a first axis of rotation whereby a first input is generated by rotation of the wheel about the first axis (page 3, paragraph 36, lines 6-12); and, a

Art Unit: 2673

holder (Fig. 17, reference character 258) having a second axis of rotation (page 6, paragraph 52, lines 4-9) and a portion thereon to receive the wheel (see Fig. 17, reference character 258, and page 6, paragraph 52, lines 4-6. Note that the shaft 258 is holding the wheel) whereby a second input is generated by rotation of the holder about the second axis (page 6, paragraph 52, lines 4-13).

Regarding claim 2, further, McLoone teaches of a first input detection means for detecting input about the first axis (page 3, paragraph 36, lines 6-12); and a second input detection means for detecting input about the second axis (page 6, paragraph 52, lines 9-13).

Regarding claim 3, McLoone teaches of a portion of the wheel being partially protruding outside a housing enclosing the thumbwheel input device so as to permit the receiving of the first and second inputs (page 3, paragraph 30, lines 11-14).

Regarding claim 4, McLoone teaches that the first input detection means is a rotating encoder switch (pages 3-4, paragraph 36, lines 11-22. Note that the blades of the encoder wheel periodically obstruct the light beam when the wheel is rotated. This corresponds to a switch).

Regarding claim 5, McLoone teaches that the second input detection means is a tactile switch (Fig. 8, reference character 72, and page 4, paragraph 40, lines 11-13).

Art Unit: 2673

Allowable Subject Matter

4. Claims 6-8 are allowed, once the minor informality in claim 6, pointed out above, is corrected.

5. The following is an examiner's statement of reasons for allowance: Claims 6-8 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claim 6, a holder having a second axis of rotation that contains the wheel, the printed circuit board, and rotating encoder switch, which is oriented on an incline. The closest prior art McLoone et al (US 2002/0158844) teaches of a thumbwheel having a wheel having a first axis of rotation and a holder having a second axis of rotation (see above), but, either singularly or in combination with other prior art, fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is (703) 305-2248. The examiner can normally be reached on Mon-Thu from 7:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 305-4938.

Any response to this action should be mailed to:

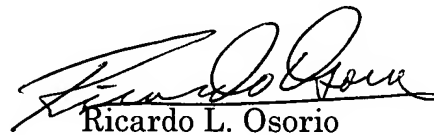
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Art Unit: 2673

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Ricardo L. Osorio', is written over a horizontal line.

Ricardo L. Osorio

Examiner

Art Unit: 2673

RLO

September 30, 2003